

1 **IN THE UNITED STATES DISTRICT COURT**
2 **FOR THE DISTRICT OF PUERTO RICO**

3
4 **UNITED STATES OF AMERICA,**

5 **Plaintiff,**

6 **v.**

CASE NO. 12-2039 (GAG)

7 **COMMONWEALTH OF PUERTO RICO,**
8 **et al.,**

9 **Defendants.**

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11 **SEALED MINUTE OF PROCEEDINGS AND ORDER**

12 The undersigned held an in camera conference on this date. Present for the PRPB were
13 PR DOJ attorneys Susana Peñagaricano Brown and Joel Torres. Present for US DOJ, via
14 telephone, were attorneys Luis Saucedo and Brian Buehler.

15 The undersigned discussed the following three matters: 1) The stipulation at Docket No.
16 673; 2) the Police Academy, and 3) The Governor's personal representative ("GPR"). Each
17 matter is sufficiently discussed *seriatim*.

18 The Stipulation at Docket No. 673: The undersigned is in full agreement with the
19 stipulation. At present the same remains in restricted mode given the parties will present a
20 redacted version on or before Wednesday, December 20, 2017. The same will then be made
21 public.

22 Notwithstanding, the undersigned expressed his grave concern that in the case of Col.
23 Clementina Vega the Reform Agreement was ignored when the misconduct claim brought against
24 her and initially referred by Commissioner Fraley to the SARP was subsequently referred to the

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1 SIB for investigation. This is unprecedented, and as per the stipulation will not occur again with
2 regards to other PRPB officers. However, this leaves Col. Vega in a class of her own.

3 The undersigned instructed the parties to discuss this matter at the highest levels, and are
4 urged to correct this scenario if all counsel understand that the proper mechanism is the SARP
5 investigation. If the matter is not resolved, the Court as per Paragraph 292 and 294 of the
6 Agreement (Docket No. 60 ¶¶292; 294) may be called upon to enforce the Agreement, and hence,
7 issue any appropriate reedy. The parties are reminded as well, that Paragraph 299 of the
8 Agreement provides: “The Commonwealth of Puerto Rico and PRPD shall require compliance
9 with this Agreement by all of its agencies, departments, officials, and their respective assigns and
10 successors.” Id. ¶ 299.

11 The parties are thus ordered to discuss this matter with the Secretary of Public Safety
12 Commissioner of the PRPB and the GPR. The undersigned shall meet with counsel again on
13 Wednesday, December 20, 2017 to discuss this matter. If the matter is not resolved by then, or a
14 satisfactory explanation is provided, the undersigned shall take all appropriate action to enforce
15 the Agreement.

16 Finally, the US DOJ will request today additional information regarding Col. Vega’s
17 investigation. All shall be provided to the US DOJ no later than Tuesday, December 19, 2017 at
18 noon.

19 The Police Academy: The undersigned expressed concern about the future of the
20 Academy. It is evident that the Commonwealth is considering a public-private partnership with
21 Sistema Ana G. Mendez. The undersigned understands that any decision to move forth in said
22 direction is a matter of public policy and thus, lies exclusively within the Commonwealth’s
23 purview. However, the PR DOJ, US DOJ, TCA and the Court must be informed with sufficient
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1 advance time, not after-the-fact, so that any such change does not violate the Agreement. In fact,
2 US DOJ and TCA being made fully aware of such matter and being provided all relevant
3 information is a mandate of the Court-adopted Agreement.

4 GPR: The parties' joint recommendation at Docket No. 668 is approved and ordered at
5 Docket No. 671. The Court reminds the GPR that despite his multiple functions and
6 responsibilities, he must be in constant communication with PR DOJ. The GPR also has to be in
7 constant communication with the Secretary of the DPS and Commissioner of the PRPB. It has
8 not been uncommon —up to now— for PR DOJ not to be able to timely and adequately inform
9 the Court of decisions affecting the Agreement because of lack of timely communication.

10 The Court shall again meet with counsel in camera on December 20, 2017 at 2:00 p.m.
11 The above matters shall wither be resolved by the parties or if not, will be resolved by the
12 undersigned.

13 PR DOJ shall promptly provide copy of this minute and order to the GPR, Secretary of
14 the DPS and Commissioner of the PRPB.

15 **SO ORDERED.**

16 In San Juan, Puerto Rico this 15th day of December, 2017.

17 *s/ Gustavo A. Gelpí*

18 GUSTAVO A. GELPI

19 United States District Judge
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